

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda August 27, 2013 7:00 P.M.

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Call to Order

Roll Call of Council Members

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Council President Isis-Garcia-Martinez

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

### **Presentations**

- (1) Grace Loeb of the Guardian Hands Foundation presents a certificate of appreciation to Mayor Carlos Hernandez, Council Vice President Luis Gonzalez and Councilmember Vivian Casals-Munoz for their support to the cause and the organization.
- (2) Pricilla Suarez of the Miami Dade College Hialeah Campus plays a presentation video regarding the renovations of the campus.

**1. Announcement of Amendments/Corrections to the Agenda -****2. Consent Agenda –**

- A.** Report of Scrivener's Error – City Council Agenda of May 28, 2013, Item PZ 3. The whereas clauses in Ordinance No. 2013-36 did not accurately reflect that the property owner would comply with the easement and operating agreement, and that the property owner would not be required to modify the agreement by negotiating with a third party. (LAW DEPT.)
- B.** Report of Scrivener's Error – City Council Agenda of August 13, 2013, Item UU. The correct amount on the Professional Services Agreement between LPR Systems & Logistics LLC and the City of Hialeah, is \$55,000 for the one year term. (POLICE DEPT.)
- C.** Report of Scrivener's Error – City Council Agenda of June 25, 2013, Item Y. The correct account number is 314.3210.541.655. (OFFICE OF MANAGEMENT AND BUDGET)
- D.** Request permission to award Hialeah bid # 2012/13-3230-00-042 and issue a purchase order to Okabrema Corp., lowest responsive bidder, for framing, drywall and insulation for the Multipurpose Adult Center at the 300-Unit Elderly Housing, for a total cumulative amount not to exceed \$19,390. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- E.** Request permission to award Hialeah bid # 2012/13-3230-00-043 and issue a purchase order to Okabrema Corp., lowest responsive bidder, for stucco work at the Multipurpose Adult Center at the 300-Unit Elderly Housing, for a total cumulative amount not to exceed \$19,390. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- F.** Request permission to increase purchase order # 2013-1621, since it is advantageous to the City, issued Overland Carriers Incorporated., for the purchase of fill material for the Multipurpose Adult Center at the 300-Unit Elderly Housing, by an additional amount of \$10,000 for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- G.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Williams Paving Co., Inc., for site work and parking lot at the 72-Unit Elderly Housing project, for a total cumulative amount not to exceed \$174,885. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to South Florida Appliance, Inc., for the purchase of appliances for the 72-Unit Elderly Housing project, for a total cumulative amount not to exceed \$95,263.77. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)

- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Action Cleaning AP Corp., for cleaning services for the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$32,760. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- J.** Request permission to issue a purchase order to H & F Plumbing Corporation, for additional plumbing work at the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$ 15,390. H & F Plumbing Corp., was awarded the plumbing during the meeting of May 8, 2012 in the amount of \$186,000. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- K.** Request permission to increase purchase order # 2013-352, since it is advantageous to the City due to time constraints for emergency repairs, issued to Miami Dade Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$5,000 for a new total cumulative amount not to exceed \$35,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- L.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to South Florida Appliance, Inc., for the purchase of appliances for the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$54,637.65. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Action Cleaning Services A P Corp., for cleaning services at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$17,900. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
- N.** Request permission to increase the expenditure with Florida Municipal Marketing, LLC, to pay all contract invoices due in fiscal year 2013, through the third quarter, as well as the commissions due for the contract's sales performance threshold, the Leon Medical Center revenues received in fiscal year 2013 and the Florida City Gas revenues received in fiscal year 2013, by an additional amount of \$4,625 over the previously approved expenditure limit, for a new total cumulative amount not to exceed \$33,225. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- O.** Request permission to increase purchase order # 2013-681, since it is advantageous to the City, issued to Florida Transportation Systems, Inc., to purchase Blue Bird parts for the City's Blue Bird buses, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- P.** Request permission to increase purchase order # 2013-892, since it is advantageous to the City, issued to Rainbow Window Tinting, Inc., to purchase emergency equipment and supplies for City vehicles, by an additional amount of \$30,000 for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.)

- Q.** Request permission to increase purchase order # 2013-901, since it is advantageous to the City, issued to Jorge Leon Car Wash, Inc., to wash City vehicles and trucks, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.)
- R.** Request permission to increase purchase order # 2013-677, since it is advantageous to the City, issued to Tranny Tech, Inc., for transmission repairs, by an additional amount of \$5,000 for a new total cumulative amount not to exceed \$55,000. (FLEET MAINTENANCE DEPT.)
- S.** Request permission to increase purchase order # 2013-550, since it is advantageous to the City, issued to Law Enforcement Psychological and Counseling Associates, Inc., to provide psychological screening services for the hiring of certified police officers, firefighters, and the Employee Assistance Program (EAP), by an additional amount of \$15,000 for a new total cumulative amount not to exceed \$44,500. (HUMAN RESOURCES)
- T.** Request permission to waive competitive bids, since it is advantageous to the City due to time constraints, and issue a purchase order to Odums Sod, Inc., to replace 56,290 square feet of sod for the general field at Bucky Dent Park, for a total cumulative amount not to exceed \$20,264.40. (PARKS AND RECREATION DEPT.)
- U.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Gulfstream Sports Group, Inc., to purchase and have installed a football scoreboard with control console for the new Optimist Filed at Milander Park, for a total cumulative amount not to exceed \$16,800. (PARKS AND RECREATION DEPT.)
- V.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Sweetwater as a participating municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through September 30, 2018. (POLICE DEPT.)
- W.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into individual contracts with certified latent fingerprint examiners in the community to provide latent fingerprint evaluation and comparison services as independent contractors, in a form acceptable to the City Attorney, for a four-year term, and further authorizing the expenditure of an amount not to exceed \$78,750.00 per latent examiner, per year for the period from October 1, 2013 to September 30, 2014; \$78,750.00 per latent examiner, per year for the period from October 1, 2014 to September 30, 2015; \$78,750.00 per latent examiner, per year for the period from October 1, 2015 to September 30, 2016; and \$87,500.00 per latent examiner, per year for the period from October 1, 2016 to September 30, 2017 to fund the latent fingerprint examiner program for four years, copies which are attached hereto and made a part hereof as Exhibit "1". (POLICE DEPT.)
- X.** Request permission to issue a purchase order to DGG Taser, Inc., sole source vendor, to purchase 45 Taser X26P, 45 Tactical Performance Power Magazine, 45 Blackhawk X26P

Holster, and 45 4-year extended warranty, for a total cumulative amount not to exceed \$49,780.05. (POLICE DEPT.)

- Y.** Proposed resolution approving the expenditure totaling an amount not to exceed \$6,762.50 from the Law Enforcement Trust Fund – *Federal*, to purchase one hundred and fifty (150) ring buoys and one hundred and fifty (150) rescue throw ropes for the Hialeah Police Department, from Lincoln Equipment, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- Z.** Proposed resolution authorizing the transfer of an amount not to exceed forty thousand nine hundred twenty six (\$40,926.00) dollars from the Law Enforcement Trust Fund - State, to cover expenditures related to protracted and complex investigations for the 2012 and 2013 fiscal years, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- AA.** Proposed resolution approving the expenditure totaling an amount not to exceed \$7,399.00 from the Law Enforcement Trust Fund – *Federal*, to purchase fifty (50) 21” Talon Cerakote Batons and fifty (50) ASP 21” side break scabbards, for the Hialeah Police Department, from Lou’s Police Distributor, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- BB.** Proposed resolution approving the expenditure totaling an amount not to exceed \$33,321.20. from the Law Enforcement Trust Fund – *Federal*, to purchase ten MP5-A3 firearms and related accessories for the Hialeah Police Department, from Heckler & Koch Defense Inc., a sole source vendor, and Lou’s Police Distributor, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- CC.** Proposed resolution approving the expenditure totaling an amount not to exceed \$34,592.40. from the Law Enforcement Trust Fund – *Federal*, to purchase eighteen Colt 5.56 firearms and related accessories for the Hialeah Police Department, from Lou’s Police Distributor, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- DD.** Proposed resolution approving rules and procedures for board or committee meetings of the City of Hialeah, Florida, in a form as attached hereto and made a part hereof as Exhibit “1”. (OFFICE OF THE CITY CLERK)
- EE.** Request permission to enter into a Florida Department of Transportation LAP Agreement for the design of West 16 Avenue from West 68 to West 78 Street with the attached contract as Exhibit “1”. (STREETS DEPT.)
- FF.** Request permission to utilize Colonial Life Open Enrollment Process together with improved communication, education, and voluntary products at no cost to the City, and thereby have enrollment, communication, education and voluntary products be offered by Colonial Life to all City employees/retired employees for the 2014 open enrollment. (RISK MANAGEMENT)

3. Second reading and public hearing of proposed ordinance amending Chapter 70 entitled "Retirement and Pensions", Article VII. Elected Officials, Division 1 Generally, of the Code of Ordinances, and in particular, adding a new section, Hialeah Code § 70-351 entitled "Closure for New Entrants and Reentrants" to close or terminate the Elected Officers Retirement Trust for new entrants as of January 1, 2014 and reentrants who are reelected or rehired after a break of service after January 1, 2014 and revising Hialeah Code § 70-350 entitled "Contributions" establishing a seven percent (7%) participant contribution based on annual compensation commencing on January 1, 2014 for new years of service for non-vested participants; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

4. Second reading and public hearing of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2013, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

**"Shall the City amend the Hialeah Charter to require Hialeah voters to approve any future changes to the pension plan for elected officials, which will be closed to new elected officials beginning on January 1, 2014?"**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

5. Second reading and public hearing of proposed ordinance consenting to the second renewal requested by T-Mobile USA Tower LLC, a successor in interest to Omnipoint Holdings, Inc., of the ground lease for a wireless communications facility located at Babcock Park for a period of five years, commencing on June 20, 2013 and ending on June 19, 2018, providing for an annual rental of \$37,361.94, with a 5% annual increase; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
6. Second reading and public hearing of proposed ordinance amending Chapter 86 entitled "Taxation", Article II. Occupational License Tax, and in particular, revising Hialeah Code §86-43 entitled "Schedule of Tax by Business Classification", modifying tax for certain machines generally operated in the business location of another, specifically vending machines, arcade amusement machines, jukeboxes, pool tables and amusement rides; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (OCCUPATIONAL LICENSE)
7. First reading of proposed ordinance revising the final Hialeah, Fla., Land Development Code to reflect pertinent changes to the Hialeah Code and relevant changes in State law enacted since the date of the last revision, including, but not limited to, amending Land Development Regulation No. 7 entitled "Sign Regulation" and Land Development Regulation No. 10. Subdivision of Land; repealing all ordinances or part of ordinances in

conflict therewith; providing penalties for violation hereof; providing for inclusion in the Hialeah, Fla., Land Development Code and the Hialeah Code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

8. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and the University of Florida, Board of Trustees, and Miami-Dade County, Florida, as tenants, for use of 1,897 square feet of office space, rooms 102, 113 through 120 and a conference room, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2013 and ending on November 30, 2014, for an annual amount of \$21,960.15, payable in equal monthly rental payments, in the form as attached hereto as Exhibit "1", with two successive annual renewals with a 5% rental increase for each year renewed; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)
9. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Family Aids Coalition, Inc., a Florida not-for-profit corporation, as tenant, for office space, room 112, within the Blanche Morton Neighborhood Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on September 1, 2013 and ending on August 31, 2014, for an annual amount of \$1,458.61, payable in equal monthly base rental payments plus electric, utility and telephone charges, with two successive one-year renewals with a 5% annual rental increase for each year renewed, in the lease form as attached hereto and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)
10. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Miami-Dade County, Florida, Department of Human Services, as tenant, for use of office space, rooms 103, 104, 105, 106, 109 and 110, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2013 and ending on November 30, 2014, for an annual amount of \$9,439.50, payable in equal monthly rental payments, in the form as attached hereto as Exhibit "1", with two successive annual renewals with a 5% rental increase for each year renewed; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)
11. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Miami-Dade County, Florida, Community Action Agency, as tenant, for use of office space, room 126, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on October 1, 2013 and ending on September 30, 2014, for an annual amount of \$12,770.92, payable in equal monthly rental payments, with two successive one-year renewals with a 5% increase in rent for each renewal period, in the form as attached hereto as exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)

12. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and S.A.B.E.R., Inc., as tenant, for use of 590 square feet of office space, rooms 208 and 209, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on October 1, 2013 and ending on September 30, 2014, for an annual amount of \$6,829.98, payable in equal monthly rental payments, in the form as attached hereto as Exhibit "1", with two successive annual renewals with a 5% increase in annual rent for each renewal period; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)
13. First reading of proposed ordinance amending Chapter 18 entitled "Businesses" of the Code of Ordinances and in particular, Article III entitled "Amusement Machines", and in particular, increasing the hauling fee in connection with the seizure of amusement machines from \$125.00 to \$250.00 for each machine; increasing the storage fee from \$10.00 to \$50.00 for each machine for each day in storage; and further providing that the certificate of authorization fee and the fee for type ii machines are nonrefundable; revising definitions to comply with changes in state law; and providing for a second decal with warning that the amusement machine may not be used for gambling and that violators are subject to criminal prosecution. repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

#### 14. Comments and Questions

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

### ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (one family residential district) to R-2 (one and two family residential district) and granting a variance permit to allow a duplex on each of two substandard-sized lots having each a width of 50 feet, where a minimum average width of 75 feet is required, having each a total area of 6,750 square feet, more or less, where at least 7,500 square feet is required, to allow a lot coverage of 50.4% on each lot, where a maximum of 30% is allowed, and to allow side setbacks of 5 feet on each lot, where 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2). **Property located at 115 West 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing



penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Eco Hialeah, LLC C/O Eugenio Lage)

- PZ 2.** First reading of proposed ordinance granting a variance permit to allow a waiver of plat pursuant to Hialeah Code §98-831; granting a variance permit to allow a lot coverage of 45.9%, where a maximum of 43% is allowed, and to allow a rear setback of 6 feet where a minimum of 15 feet are required, contra to Hialeah Code §§ 98-828(3), and § 98-830. **Property located at 3133 West 70 Terrace, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Jannett A. Pusey)

**NEXT CITY COUNCIL MEETING: September 10, 2013 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: September 10, 2013 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).